



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.

Governor

Thomas W. Easterly

Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

May 14, 2010

VIA CERTIFIED MAIL

7000 0520 0023 5044 5553

Mr. Tommy L. Sutton
Triad Mining, Inc.
1216 E. County Road 900 S.
Oakland City, Indiana 47660

Dear Mr. Sutton:

Re: Modification Request for
NPDES General Permit No. ING040215
IDNR Permit No. S-035
Triad Mining Inc. - Flat Creek Mine
3188 W. County Road 100 N.
Petersburg, Indiana
Pike County

Your NPDES permit application submittal dated January 12, 2010, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 001, 002, and 006. Per your correspondence Outfall 001 has never been constructed, and Outfalls 002 and 006 have been mined through, reclaimed, and re-vegetated. Also requested was the addition of new Outfall 005 (latitude 38°, 35', 05", longitude 87°, 02', 22") and Outfall 007 (latitude 38°, 26', 55", longitude 87°, 21', 10") for coverage under this permit. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that Outfalls 002 and 006 have been removed, and Outfall 001 was never built. Furthermore, our office has determined that the addition of new Outfalls 005 and 007 will not affect Triad Mining Flat Creek Mine's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities, nor will the additional outfall points affect the site's ability to meet the reporting requirements. Therefore your petition drop Outfalls 001, 002, and 006, and to add new Outfalls 005 and 007, to NPDES permit ING040215, has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Both new outfalls will discharge to Flat Creek. Coverage for the facility will now include the outfalls listed on the first table of Attachment 1.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

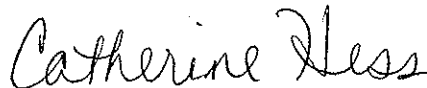
These modifications shall become effective on April 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on June 30, 2011. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
cc: Pike County Health Department

ATTACHMENT I

Triad Mining, Inc. – Flat Creek Mine

NPDES PERMIT NO. ING040215

IDNR PERMIT NOS. S-035

EFFECTIVE DATE: April 1, 2010

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
003	S-035 SP003	38°, 26', 42"	87°, 19', 46"	Alkaline	Flat Creek
004	S-035 SP004	38°, 26', 42"	87°, 20', 50"	Alkaline	Flat Creek
005	S-035 SP011	38°, 26', 39"	87°, 20', 15"	Alkaline	Flat Creek
007	S-035 SP012	38°, 26', 55"	87°, 21', 10"	Alkaline	Flat Creek

The following outfalls have been removed and are no longer covered under this permit:

001	S-035 SP001	38°, 26', 45"	87°, 20', 36"	Alkaline	Unnamed tributary to Flat Creek
002	S-035 SP002	38°, 26', 35"	87°, 20', 01"	Alkaline	Unnamed tributary to Flat Creek
006	S-035 SP006	38°, 26', 53"	87°, 20', 33"	Alkaline	Flat Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 5D -GP

DATE OF NOTICE: May 14, 2010

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

TRIAD MINING INC – FLAT CREEK MINE, Permit No. ING040215, PIKE COUNTY, Petersburg, IN.. This modification is being issued because the facility is deleting outfalls 001, 002 and 006 and will add outfalls 005 and 007. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

2010 JAN 20 4 9:29
IDEM
FACILITY

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		XX	ING040215	Adding outfalls 005 and 007 Deleting outfalls 001, 002 & 006

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR PERMIT OR AML SITE NUMBER	
Triad Mining, Inc. - Attn. Tommy L. Sutton			1221		Pike		#S-035	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Triad Mining, Inc			Latitude			Longitude		
STREET ADDRESS 1216 E. County Road 900 S			Degree N38	Minute 26	Second 40	Degree W87	Minute 20	Second 43
CITY Oakland City		STATE IN	ZIP CODE 47660					
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Flat Creek Mine			Township 1 South 1 South		Range 8 West 9 West		Section 7 and 8 12	
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS 1216 E. County Road 900 S			STREET ADDRESS 3188 W. County Road 100N					
CITY Oakland City		STATE IN	ZIP CODE 47660		CITY Petersburg		STATE IN	ZIP CODE 47567

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
Tommy L. Sutton Vice President Engineering		C. Brent Boyle	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
812-328-2117 Ext. 30		812-721-1299 Ext. 33 or 812-328-2117 Ext. 24	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
Tommy.Sutton@JamesRiverCoal.com		Brent.Boyle@JamesRiverCoal.com	

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME C. Brent Boyle, Triad Mining, Inc.		
a. CONTACT TELEPHONE NUMBER 812-328-2117, Ext. 29 or 812-721-1299 Ext. 33		d. STREET ADDRESS 1216 E. County Road 900 S.		
b. CONTACT EMAIL ADDRESS Brent.Boyle@JamesRiverCoal.com		e. CITY Oakland City	f. STATE Indiana	g. ZIP CODE 47660
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. COMPANY AND CONTACT PERSON NAME Tommy L. Sutton, Triad Mining, Inc.		
h. CONTACT TELEPHONE NUMBER 812-328-2117 Ext. 30		k. STREET ADDRESS P.O. Box 316		
i. CONTACT EMAIL ADDRESS Tommy.Sutton@JamesRiverCoal.com		l. CITY Freelandville	m. STATE Indiana	n. ZIP CODE 47535
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME		
o. CONTACT TELEPHONE NUMBER		r. STREET ADDRESS		
p. CONTACT EMAIL ADDRESS		s. CITY	t. STATE	u. ZIP CODE

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES ☒ NO ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

The Flat Creek mining complex is a surface mining facility. Wastewater discharge associated with the mining of coal, coal processing and/or reclamation activities will occur.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DRY WEATHER BASE FLOW	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h.. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	SP01	N 38	26	45	W 87	20	36	0.00	Active, Alkal	Y / N	UNT FLAT CREEK
002	SP02	N 38	26	45	W 87	20	01	0.00	Active, Alkal	Y / N	UNT FLAT CREEK
003	SP03	N 38	26	42	W 87	19	46	0.00	Active, Alkal	Y / N	FLAT CREEK
004	SP04	N 38	26	42	W 87	20	50	0.00	Active, Alkal	Y / N	FLAT CREEK
005	SP05	N 38	26	39	W 87	20	15	0.00	Active, Alkal	Y / N	FLAT CREEK
006	SP06	N 38	26	53	W 87	20	33	0.00	Active, Alkal	Y / N	FLAT CREEK
007	SP07	N 38	26	55	W 87	21	10	0.00	Active, Alkal	Y / N	FLAT CREEK

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
001	SP01	DEL	1/1/10	Proposed and never built.
002	SP02	DEL	1/1/10	Mined through and reclaimed. Area vegetated.
005	SP05	ADD	1/1/10	New basin per approved IDNR permit #S-35.
006	SP06	DEL	1/1/10	Mined through and reclaimed. Area vegetated.
007	SP07	ADD	1/1/10	New basin per approved IDNR permit #S-35.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Not Applicable

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.
Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Mr. Eric Langer, December 23, 2009

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Tommy L. Sutton, V.P. of Engineering

812-328-2117 Ext. 30

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Identification of Potentially Affected Parties

State Form 49456 (7-99)

Indiana Department of Environmental Management

Office of Water Quality, Permits Section

The Administrative Orders and Procedures Act (AOPA) IC 4-21.5-3-5(b), requires that the Indiana Department of Environmental Management (IDEM) give notice of its decision on your application to the following persons:

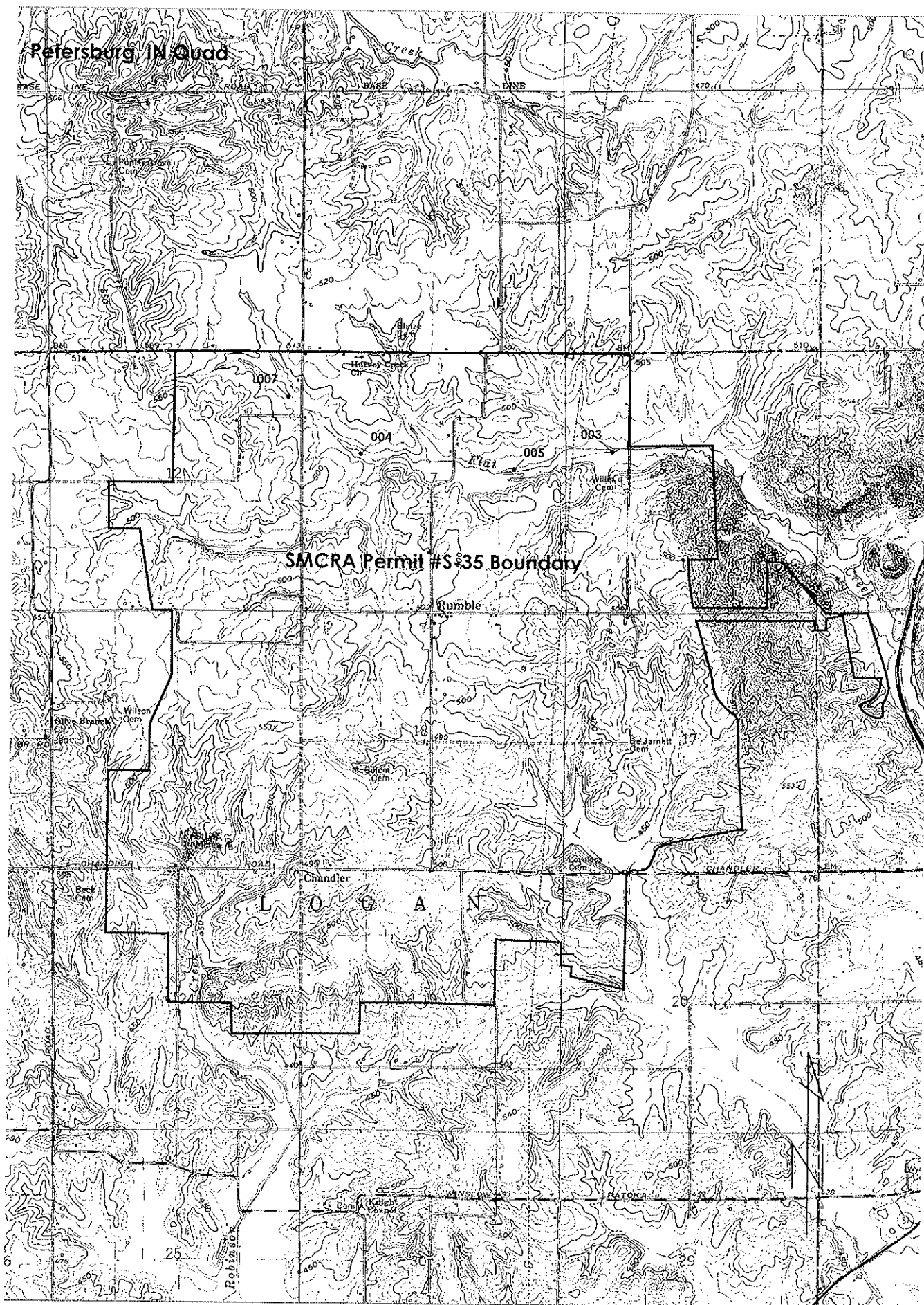
- (a) each person to whom the decision is specifically directed;
- (b) each person to whom a law requires notice to be given;
- (c) each competitor who has applied to the IDEM for a mutually exclusive license, if issuance is the subject of the decision and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted;
- (d) each person who has provided the IDEM with a written request for notification of the decision;
- (e) each person who has a substantial and direct proprietary interest in the issuance of the (permit/variance);
- (f) each person whose absence as a party in the proceeding concerning the (permit/variance) decision would deny another party complete relief in the proceeding or who claims an interest related to the issuance of the (permit/variance) and is so situated that the disposition of the matter, in the person's absence may:
 - (1) as a practical matter impair or impede the person's ability to protect that interest, or
 - (2) leave any other person who is a party to a proceeding concerning the permit subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

IC 4-21.5-3-5(f) provides that we may request your assistance in identifying these people. Our failure to properly identify and notify these people of the decision could have the result of voiding any decision which is made.

Additionally, IC 13-15-3-1 requires IDEM to send notice that the permit application has been received by the department to the following:

- (a) the board of county commissioners of a county affected by the permit application and
- (b) the mayor of a city that is affected by the permit application, or
- (c) the president of a town council of a town affected by the permit application.

Petersburg, IN Quad



Triad Mining, Inc.

NPDES N.O.I. Outfall Map

Flat Creek Mine #S-35

NPDES Permit #ING040215

Version: Mod. Jan 12 2010

Date: 01/12/2010

